ACTION IO-00

RELEASED IN FULL

INFO	LOG-00	AF-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	DOTE-00	WHA-00	EAP-00	EB-00	EUR-00	FAAE-00	UTED-00
	H-00	TEDE-00	INR-00	LAB-01	L-00	NEA-00	DCP-00
	NSAE-00	ISN-00	NSCE-00	OIC-00	OIG-00	NIMA-00	PA-00
	PER-00	GIWI-00	PRS-00	P-00	ISNE-00	DOHS-00	SP-00
	SS-00	STR-00	TRSE-00	NCTC-00	FMP-00	R-00	SCRS-00
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SENSITIVE

STATE FOR IO/RHS, DRL/MLA, L/HRR

E.O. 12958: N/A
TAGS: PHUM, UNHRC-1
SUBJECT: HRC: INTERACTIVE DIALOGUE WITH HIGH COMMISSIONER ARBOUR

Summary
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1. High Commissioner for Human Rights Louise Arbour initiated the inter-active dialogue with the Human Rights Council June 23 with a statement focused on the issues she viewed as critical to the promotion and protection of human rights. Debate on her annual report was deferred until the September session of the Council. Arbour highlighted poverty and development as the most serious human rights violations facing the international community today. She also noted that racial, religious, and cultural discrimination must be addressed. A significant portion of her statement was devoted to human rights and terrorism. Although she did not specifically name the United States, there was little doubt among delegations that her calls for respect of the ban on torture, an end to secret detentions, access to detainees, an end to indefinite detention without trial, and non-refoulment were directed at the United States. Ambassador Tichenor delivered a short statement that included reaffirmation of the United States' prohibition against torture (para 8). End Summary.

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ARCHIE M BOLSTER
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Poverty and Discrimination
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2. In an indication of her Office's increasing emphasis on economic rights, Arbour described poverty and underdevelopment as the principal violations of human rights today, arguing that a response that does not address these problems will fail to overcome global human rights challenges. She called for placing the Millennium Development Goals within a wider human rights context to overcome the effects of "market globalization that exacerbate inequalities in peoples' access to growth and prosperity." Arbour stressed the role of discrimination, especially gender discrimination, in disempowering people. She also cautioned against the divisions caused by acts of cultural and religious intolerance.

Human Rights and Terrorism
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3. Addressing the subject of terrorism, Arbour did not specifically name the United States. She did focus, however, on governments' responsibility to protect human rights while combating terrorism. Using the same language she has in previous statements and declarations calling on the United States to abide by international law and its commitments, Arbour said that efforts by governments to disregard the law or carve out improper exceptions would lead to the erosion of fundamental rights and undermine the legitimacy of government action. She expressed concern about challenges to the absolute prohibition on torture, the obligation of non-refoulment, and the use of secret detention. She called on states to disclose, investigate, and prosecute all alleged abuses of human rights and violations of international humanitarian law. Arbour also called for ratification of the Optional Protocol to the Convention Against Torture. In the time allotted to non-members (three minutes), Ambassador Tichenor reaffirmed the U.S. ban on torture and cruel and inhuman treatment. Only a few delegations, notably Mexico and the Like-Minded Group, emphasized these points in their interventions. Iran asked if OHCHR was preparing an urgent appeal on secret detention facilities.

Democracy and Good Governance
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4. Arbour stressed the importance of democracy and democratic practices to the enjoyment of rights. She called for legitimate, independent and effective institutions of

governance to sustain democracy and development. Arbour stressed the importance of checks and balances on the executive branch. She applauded the accomplishments of national courts in assuming an assertive role in combating impunity and protecting human rights. She commended the work of courts in a number of countries, including the United States. Arbour also emphasized the need to preserve civil society's space.

OHCHR Field Operations
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5. Arbour highlighted the importance of OHCHR's field operations in deepening the international communities' understanding of the situation in a country, creating opportunities to strengthen capacity, and in improving the interaction with UN country team members, to further human

rights mainstreaming in the UN system. Arbour made reference to successful operations in Nepal, Uganda, and Guatemala. She also pointed to countries that have refused to cooperate with OHCHR -- Uzbekistan, Burma, and North Korea -- and noted difficulties with the program in Sudan. She described Iraq, the Palestinian Authority and Somalia as areas of growing concern.

Inter-Active Dialogue
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6. Interventions by Council members and observers generally welcomed the High Commissioner's participation and expressed support for OHCHR. Economic rights, technical assistance (though some insisted it should only be at the request of the government), equitable geographic distribution in the work and staff of OHCHR, and poverty reduction plans were raised by a large number of delegations. Western Human Rights Group countries echoed the concerns raised by the High Commissioner regarding uncooperative countries, most naming the same countries she had. NAM and LMG delegations emphasized cooperative vice condemnatory approaches to dealing with human rights concerns. Uzbekistan, North Korea, Sudan, Syria and the PLO delegations questioned the High Commissioner's findings or accused others of misrepresenting the situations in their countries. Syria was particularly virulent, ignoring repeated requests by the chair to cease its attacks on Israel and equating Israeli occupants to aliens from Mars. North Korea called for the condemnation of Japan for atrocities committed during WWII.

Comment
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7. (SBU) In the lead up to the Council Arbour had refused to say what she was planning for the inter-active dialogue, which is traditionally centered on her annual report. She had also rejected calls to make her statement available ahead of time to allow delegations time to prepare for the session. Her focus on human rights and terrorism, torture and access to detainees was interpreted by delegations, as well as the press, as directed at the United States.

8. Begin text U.S. statement:

Mr. President, Madame High Commissioner:

The United States remains a strong supporter of the work of the Office of the High Commissioner for Human Rights. We supported the doubling of the budget over the next five years. We encourage the Office to focus its own efforts and resources on field operations, where technical expertise makes a concrete difference.

Mr. President,

I want to respond to one issue raised today. Al-Qaeda declared war on the United States on September 11, 2001. They killed nearly three thousand people on U.S. soil. The detainees held by the United States were captured as enemy combatants engaged in conflict against the United States, or actively supporting al Qaeda or the Taliban or both in this conflict.

It is U.S. policy to treat captured combatants humanely. I want to reiterate the United States Government's absolute commitment to uphold our national and international obligations to eradicate torture and to prevent cruel, inhuman or degrading treatment or punishment worldwide.

Thank you.

End text.
TICHENOR

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